

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ABINGDON, VA  
FILED

MAY 18 2006

JOHN E. GORODRAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

EAST TENNESSEE NATURAL GAS, LLC, )

Plaintiff, )

v. )

3.62 ACRES IN TAZEWELL COUNTY, )  
VIRGINIA, CIRCLE P FARMS, INC., )  
and UNKNOWN OWNERS )

Civil Action No.  
1:06-cv-00028

and )

0.16 ACRE IN TAZEWELL COUNTY, )  
VIRGINIA, TERESA ANN PRUETT OSTOVAR )  
AKA TERESA PRUETT, and )  
UNKNOWN OWNERS. )

Civil Action No.  
1:06-cv-00029

Defendants. )

**ORDER**

By: GLEN M. WILLIAMS  
Senior United States  
District Judge

These cases were referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable Pamela Meade Sargent, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that the Court bifurcate the proceedings regarding the plaintiff's right to condemn and motion for immediate possession from the just compensation proceedings, finding that the plaintiff has a right under the Natural Gas Act to condemn the properties at issue and granting the plaintiff's motion

for immediate possession in each of these cases. Objections to the report and recommendation have been filed, and the court, upon *de novo* review of the record, is of the opinion that the report should be adopted with regard to the above-styled cases. It is, accordingly,

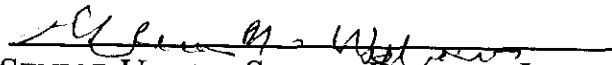
**ADJUDGED and ORDERED**

that the Magistrate Judge's report and recommendation be **ADOPTED** with regard to the above-styled cases.

It is **FURTHER ORDERED** that East Tennessee Natural Gas, LLC, ("ETNG"), is granted a preliminary injunction against the defendants allowing ETNG to take immediate possession and use of an easement and right-of-way "to construct, operate, and maintain" the Jewell Ridge Lateral Pipeline Project and for the location of the "equipment necessary to the proper operation of such pipe line" as approved by the Federal Energy Regulatory Commission's February 8, 2006, Certificate of Public Convenience and Necessity and as specifically identified in the complaint and the attachments to the complaint filed in each of these cases.

The Clerk is directed to send certified copies of this Order to all counsel of record.

**ENTER:** This the 15<sup>th</sup> day of May, 2006

  
SENIOR UNITED STATES DISTRICT JUDGE